REMARKS/ARGUMENTS

In the restriction requirement dated January 23, 2009, the Examiner delineated the following inventions as being patentably distinct.

Group I: Claims 1-19, drawn to a separator for an electrochemical cell; and

Group IV: Claims 30-31, drawn to method separation for an electrochemical cell.

Applicants provisionally elect <u>with traverse</u> the invention of Group I Claims 1-19, drawn to a separator for a electrochemical cell.

The arguments provided by Applicants on December 4, 2008, are hereby incorporated by reference in the instant response with the exception of Claims 30 and 31. These claims (30 and 31) were based on original Claim 29 which was dependent on Claim 1. Claims 30 and 31 were presented in order to overcome the "use" language of now canceled Claim 29. Claims 30 and 31 are an intrinsic part of the elected invention (Claims 1-19) and should really be examined together. Unity of invention has to be considered only in relation to the independent claim. A dependent claim is one which contains the features of another claim and is in the same category of claims as other claims. It does not matter if a dependent claim itself contains a further invention.

The determination whether a group of inventions is so linked as to form a single general inventive concept should be made without regard to whether the inventions are claimed in separate claims or as alternative within a single claim.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

Applicants further request that if the elected invention is found allowable, withdrawn

group which include the limitation of the allowable claims be rejoined.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Paul J. Killos
Attorney of Record
Registration No. 58,014

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)